



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/932,470	11/18/86	KAH	CLERK-48

JACK N. MC CARTHY  
655 EIMINI RD.  
SATELLITE BEACH, FL 32937

EXAMINER BURKHART, P.	
ART UNIT 314	PAPER NUMBER 2

DATE MAILED: 08/31/87

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892.       | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948.       |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449                        | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____   |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-38 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☒ Claims 15-26 are allowed.
4. ☒ Claims 1, 2, 10, 27-29, 32-36, and 38 are rejected.
5. ☒ Claims 3-9, 11-14, 30, 31, and 37 are objected to.
6. ☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings which are acceptable for examination purposes ~~until such time as allowable subject matter is indicated.~~
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on \_\_\_\_\_. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed \_\_\_\_\_, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received  
☐ been filed in parent application, serial no. \_\_\_\_\_; filed on \_\_\_\_\_.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Art Unit 314

1. The drawings are objected to because in Fig. 1, reference numeral B1 lacks a lead line. Correction is required.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless-

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 32, 33, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts.

For "stop means", note Roberts' page 1, lines 71-85.

4. Claims 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Hunter '056.

Spring means 56 of Hunter respectively comprise "first" and "second" biasing means. The functional language of claim 29 is considered a mere description of the Hunter '056 transmission in operation.

5. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit 314

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

6. Claims 1, 2, and 10 are rejected under 35 U.S.C. 103 as being unpatentable over Hunter '056.

The transmission of Hunter '056 differs from that recited by applicant only in the specific location of the "other" contact member mounting means. To have located mounting means (61) of Hunter '056 "within" the ring gear is considered to have been an obvious matter of design choice. As to claim 10, note cylindrical member 37 of Hunter '056.

7. Claims 34 and 38 are rejected under 35 U.S.C. 103 as being unpatentable over Hunter '056 in view of Roberts.

The Hunter '056 transmission differs from that claimed by applicant in its specific gear arrangement. Roberts teaches a transmission with gears arranged as recited by applicant. It would have been obvious to one having ordinary skill in the art to have substituted gear arrangement as suggested and taught by Roberts for that of the Hunter '056 transmission.

8. Claims 15-26 are allowable over the prior art of record.

9. Claims 3-9, 11-14, 30, 31, and 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form

Serial No. 932,470

-4-

Art Unit 314

including all of the limitations of the base claim and any intervening claims.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

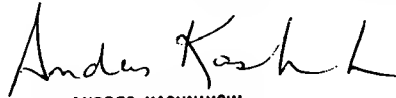
Reynolds teaches a pivoting transmission.  
Beiswenger et al. teaches an oscillating sprinkler with indicia. Hunter '024 and '584 teach oscillating transmissions with biasing means.

11. Any inquiry concerning this communication should be directed to Patrick Burkhart at telephone number 703-557-3618.

 8/28/87  
PBurkhart:tpd

703-557-3618

8-26-87



ANDRES KASHNIKOW  
SUPERVISORY PATENT EXAMINER  
ART UNIT 314

8-28-87